

REMARKS

In response to the above-identified Final Office Action, Applicant traverses the Examiner's rejection of the claims and seeks reconsideration thereof. Claims 1-5 are now pending in the present application. In this response, no claims have been amended, no claims have been added and no claims have been cancelled.

I. Interview Summary

Applicant respectfully submits the following summary of the Examiner Interview conducted between Examiner Huedung Cao and Applicant's Attorney Stacie J. Sundquist on August 23, 2005 via telephone. During the interview, the Examiner's objection to the drawings, claim rejections under 35 U.S.C. § 102 in view of U.S. Patent No. 6,507,321 issued to Oberschmidt et. al. ("Oberschmidt") and indication that claims 4-5 would be allowable if rewritten were discussed. Upon review of the file, the Examiner agreed with the Applicant, for the reasons discussed more clearly below, that the objection to the drawings and rejection under 35 U.S.C. §102 should be withdrawn. In addition, the Examiner agreed claims 4-5 were in condition for allowance without rewriting them based upon Applicant's amendment filed on February 28, 2005. The Examiner further indicated although Oberschmidt may not be relied upon in rejecting the claims under 35 U.S.C. § 102, new grounds for rejection may be issued in a subsequent paper. Applicant respectfully requests entry of the Examiner's determinations in the record.

II. Final Rejection Premature

In view of the Examiner's determinations during the Examiner Interview and the reasons submitted herein, Applicant respectfully submits the finality of the rejection is premature. As agreed by the Examiner, Applicant's previous response dated February 28, 2005 was responsive to both the objection to the drawings and the Examiner's suggestion Claims 4-5 would be allowable if rewritten to overcome the rejections under 35 U.S.C. 112, second paragraph. Still further, the Examiner agreed Applicant's remarks regarding the rejection under 35 U.S.C. §102 sufficiently overcame the rejection. Accordingly, such issues are now moot and should not have been included in the outstanding Final Office Action.

It is imperative that in a Final Office Action the Examiner clearly set forth the basis for rejection so that the Applicant has an adequate opportunity to respond and judge the advisability of an appeal. See MPEP § 706.07. Applicant respectfully submits, this standard has not been met in the instant case. For at least the foregoing reasons, Applicant respectfully requests withdrawal of the finality of the rejection and clarification of the above-referenced statements by the Examiner.

III. Drawing Objections

Applicant respectfully requests withdrawal of the objection to the drawings under 37 CFR §1.121(b) on the basis that the amendments filed on February 28, 2005 were sufficient to overcome the objection.

IV. Claim Rejections – 35 U.S.C. §102(b)

In the outstanding Office Action, Claims 1-3 are rejected under 35 U.S.C. §102(b) as being anticipated by Oberschmidt.

It is axiomatic that to anticipate a claim, every element of the claim must be disclosed within a single reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Furthermore, the reference must disclose the identical invention in as complete detail as is found in the claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

The present invention claims a broadband slot antenna, comprising, a dielectric layer under which a microstrip feedline is formed, a ground formed on the dielectric layer and electromagnetically coupled with the microstrip feedline through a slot; and a reflection plane placed under the microstrip feedline and having an open part with predetermined length and depth in order to prevent board surface waves from being radiated and enhance antenna gain.

In regard to independent Claim 1, Applicant respectfully submits Oberschmidt fails to teach or suggest a broad band slot antennae comprising at least the element of a reflection plane placed under the microstrip feedline and having an open part with predetermined length and depth as recited in amended Claim 1. In the outstanding Final Action, the Examiner suggests element 14 of Oberschmidt teaches this element. The Examiner suggests column 4, lines 35-40, column 5, lines 18-19 and lines 21-24, teach a predetermined length and depth to the plane 14. See Final Action, page 3, paragraph 3. Upon further review, however, the Examiner indicated in the Examiner Interview

she did not believe these portions of Oberschmidt teach the element of “an open part with a predetermined length and depth.”

Applicant respectfully acknowledges the Examiner’s correction and agrees for at least the reasons that Column 4, lines 35-40 of Oberschmidt refer to the total length of the slot formed on the front face 5, not plane 14. Nowhere within column 5, lines 18-19 and lines 21-24 does Oberschmidt teach that the plane 14 has an open part with predetermined length and depth. Column 5, lines 18-19 recite that the “distance of the reflector plane to the back face of the dielectric substrate can be adjusted” and lines 21-24 refer to the “distance of the reflector plane...to the middle of the substrate 1.” The fact that the distance of the plane to the substrate may be adjusted suggests nothing about a length or depth of an opening in the plane 14. Similarly, although Oberschmidt suggests a particular distance of the plane 14 to the middle of the substrate, the distance of the plane 14 to the middle of the substrate does not expressly or implicitly teach an opening in the plane 14 having a predetermined depth. Thus, for at least the reasons recognized by the Examiner and those submitted herein, Oberschmidt does not teach a reflection plane having “an open part with predetermined length and depth” as required by Claim 1. Accordingly, since Oberschmidt does not teach all the elements of Claim 1, anticipation may not be found. For the foregoing reasons, Applicant respectfully traverses the Examiner’s rejection of Claim 1 and requests withdrawal of the rejection of Claim 1 under 35 U.S.C. §102(b).

In regard to dependent Claims 2 and 3, Applicant respectfully submits these claims depend from Claim 1 and incorporate the limitations thereof. For the reasons discussed above with respect to Claim 1, Oberschmidt does not teach or suggest a broad band slot antennae comprising at least the element of a reflection plane placed under the microstrip feedline and having an open part with predetermined length and depth. Accordingly, since Oberschmidt does not teach or suggest all the elements of Claims 2 and 3, anticipation may not be found. For the foregoing reasons, Applicant respectfully requests withdrawal of the rejection of Claims 2 and 3 under 35 U.S.C. §102(b).

V. Allowable Subject Matter

In the outstanding Final Action, the Examiner indicates that Claims 4-5 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. §112,

second paragraph. For at least the reasons previously discussed, namely the Examiner's determination that the response dated February 28, 2005 sufficiently overcame the rejection under 35 U.S.C. §112, Applicant respectfully requests allowance of Claims 4 and 5.

CONCLUSION

In view of the foregoing, it is believed that all claims now pending, namely Claims 1-5, are now in condition for allowance and such action is earnestly solicited at the earliest possible date. If there are any additional fees due in connection with the filing of this response, please charge those fees to our Deposit Account No. 02-2666. Questions regarding this matter should be directed to the undersigned at (310) 207-3800.

Respectfully submitted,

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Dated: September 2, 2005

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail with sufficient postage in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P. O. Box 1450, Alexandria, Virginia 22313-1450 on September 2, 2005.


Jean Svoboda